

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ESTATE OF BERNARD J. SHERLIP, on behalf of
itself and all others similarly situated,

Plaintiff,

v.

MORGAN STANLEY, MORGAN STANLEY &
CO. LLC, and MORGAN STANLEY SMITH
BARNEY LLC,

Defendants.

Civil Action No. 24-CV-4571 (VEC)

**ORAL ARGUMENT
REQUESTED**

DEFENDANTS' NOTICE OF MOTION TO DISMISS COMPLAINT

PLEASE TAKE NOTICE that Defendants Morgan Stanley, Morgan Stanley & Co. LLC, and Morgan Stanley Smith Barney LLC will respectfully move this Court, before the Honorable Valerie E. Caproni, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, on a date and time designated by the Court, for an order dismissing the Class Action Complaint (the "Complaint") in its entirety, with prejudice, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, because the Complaint fails to state a claim upon which relief can be granted.

The motion is supported by the accompanying Memorandum of Law, dated August 30, 2024, filed by Defendants, the Declaration of Brian S. Weinstein, dated August 30, 2024, and the exhibits attached thereto, and the proceedings to date in this action.

Dated: New York, New York
August 30, 2024

Respectfully submitted,

DAVIS POLK & WARDWELL LLP

By: /s/ Brian S. Weinstein

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